

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JESSICA CROSS,

Plaintiff,

-vs-

5:08-CV-862

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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**Thomas J. McAvoy, D.J.**

**DECISION and ORDER**

This matter was referred to the Hon. Victor E. Bianchini, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation dated May 24, 2010, Magistrate Judge Bianchini recommended that the decision of the Commissioner be affirmed. Plaintiff has filed objections.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court reviews the record *de novo*. See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]." Id. The Court may also "receive further evidence or recommit the matter to the magistrate judge

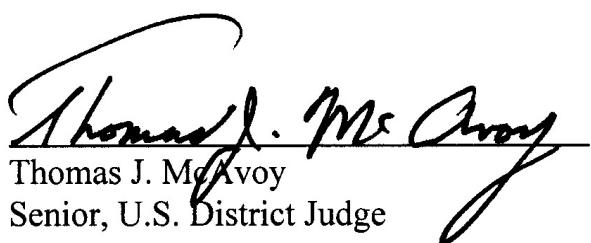
with instructions." *Id.* Thus, the Court reviews the instant matter *de novo*.

After reviewing the matter *de novo*, the Court agrees with the Report-Recommendation in its entirety. The decision of the ALJ was supported by substantial evidence, and the correct legal standard was applied.

Consequently, the Report-Recommendation is adopted in its entirety. Plaintiff's Complaint is dismissed. The Clerk is directed to close the file.

**IT IS SO ORDERED.**

Dated: June 10, 2010



Thomas J. McAvoy  
Senior, U.S. District Judge